

SENATE, No. 726

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Changes membership of Lake Hopatcong Commission and requires DEP to develop water level management plan for Lake Hopatcong to be approved by commission.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning Lake Hopatcong and amending and
2 supplementing P.L.2000, c.175.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.2000, c.175 (C.58:4B-3) is amended to read
8 as follows:

9 3. a. There is created, in but not of the Department of
10 Environmental Protection, the Lake Hopatcong Commission, which
11 shall comprise 11 voting members, as follows: a representative of
12 Morris county appointed by the Board of Chosen Freeholders
13 thereof; a representative of Sussex county appointed by the Board
14 of Chosen Freeholders thereof; a representative of Hopatcong
15 borough appointed by the governing body thereof; a representative
16 of Jefferson township appointed by the governing body thereof; a
17 representative of Mount Arlington borough appointed by the
18 governing body thereof; a representative of Roxbury township
19 appointed by the governing body thereof; **two** four members of
20 the public appointed by the Governor with the advice and consent
21 of the Senate and a chairperson of the commission appointed by the
22 Governor with the advice and consent of the Senate **;** the
23 Commissioner of Community Affairs, or a designee thereof, who
24 shall serve ex officio; and the Commissioner of Environmental
25 Protection, or a designee thereof, who shall serve ex officio**】** .

26 b. Each county and municipal appointing authority as
27 prescribed pursuant to subsection a. of this section may also
28 respectively appoint an alternate member for each regular member
29 appointed by the county or municipal appointing authority to act in
30 the absence or disability of the regular member, and while so acting
31 an alternate member shall have all the powers, including voting
32 powers, of the regular member.

33 c. (1) The chairperson of the commission shall serve a term of
34 three years and until a successor shall have been appointed and
35 qualified. A chairperson may be reappointed to successive terms.

36 (2) Each member of the public appointed by the Governor shall
37 serve a term of two years and until a successor shall have been
38 appointed and qualified **;** except that of the two members of the
39 public first appointed, one shall serve a term of two years and the
40 other a term of one year**】** . Members of the public appointed by the
41 Governor may be reappointed to successive terms.

42 (3) Each member or alternate member appointed by a county or
43 a municipality shall serve a term of two years and until a successor
44 shall have been appointed and qualified; except that each member
45 and alternate member first appointed by Sussex county, Mount
46 Arlington borough, and Roxbury township shall serve a term of one
47 year, and thereafter each member and alternate member appointed

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 by that county and those two municipalities shall serve a term of
2 two years and until a successor shall have been appointed and
3 qualified. Members and alternate members may be reappointed to
4 successive terms.

5 d. Vacancies in the appointed positions on the commission
6 shall be filled in the same manner as the original appointments were
7 made but for the unexpired term only.

8 e. Members of the commission shall serve without
9 compensation, but the commission may, within the limits of funds
10 appropriated or otherwise made available to it, reimburse members
11 for actual expenses necessarily incurred in the discharge of their
12 official duties.

13 f. Members of the commission shall serve at the pleasure of the
14 relevant appointing authority.

15 (cf: P.L.2000, c.175, s.3)

16

17 2. Section 6 of P.L.2000, c.175 (C.58:4B-6) is amended to read
18 as follows:

19 6. The duties and responsibilities of the Lake Hopatcong
20 Commission shall be to:

21 a. conduct water quality and water quantity monitoring of Lake
22 Hopatcong to assess conditions and changes thereto over time, and
23 identify the causes and sources of environmental threats and
24 impacts to Lake Hopatcong and its watershed;

25 b. assess present and projected development, land use, and land
26 management practices and patterns, and determine the effects of
27 those practices and patterns upon the natural, scenic, and
28 recreational resources of Lake Hopatcong and its watershed;

29 c. develop plans, strategies, policies, ordinances, and funding
30 mechanisms necessary to protect, preserve, restore, maintain,
31 manage, and enhance Lake Hopatcong and its watershed, to be
32 implemented by those entities with representatives on the
33 commission;

34 d. coordinate with, and make recommendations to, the
35 Department of Environmental Protection with respect to any State
36 plan or program for watershed management, water quality, water
37 quantity, water supply, stormwater management, nonpoint source
38 pollution, or wastewater management for the area that includes
39 Lake Hopatcong and its watershed;

40 e. recommend appropriate State legislation and administrative
41 action pertaining to the protection, preservation, restoration,
42 maintenance, management, and enhancement of Lake Hopatcong
43 and its watershed;

44 f. encourage and assist in the creation of special local
45 improvement districts for purposes beneficial to Lake Hopatcong
46 and its watershed, including control of stormwater runoff and
47 nonpoint source pollution, and the preservation of significant

- 1 environmental areas, including wetlands, to control stormwater
2 runoff and nonpoint source pollution;
- 3 g. review and assess the potential impact upon Lake Hopatcong
4 and its watershed of environmental permit applications pending
5 before or received by the Department of Environmental Protection
6 and provided to the commission pursuant to subsection b. of section
7 8 of this act, and provide recommendations to the Department of
8 Environmental Protection for appropriate action thereon;
- 9 h. review and assess the potential impact upon Lake Hopatcong
10 and its watershed of proposed amendments and revisions to
11 municipal master plans, zoning and other ordinances governing land
12 use and development, and applications for specific development
13 projects, which have been provided to the commission pursuant to
14 section 9 of this act, and provide recommendations to the
15 appropriate municipal agency for appropriate action thereon;
- 16 i. conduct, manage, and coordinate specific activities and
17 projects pertaining to the protection, preservation, restoration,
18 maintenance, management, and enhancement of Lake Hopatcong
19 and its watershed, including, but not limited to, weed control
20 measures, dredging, installation and maintenance of boat sewage
21 pump outs, and environmental education;
- 22 j. encourage individuals, corporations, associations, and
23 organizations to preserve and enhance the natural scenic beauty,
24 and protect and preserve the purity of the waters, of Lake
25 Hopatcong and its watershed, and to engage in environmental
26 education of the public for such purposes; and
- 27 k. establish advisory committees and enlist and accept the
28 support and cooperation of organizations of property owners and
29 others interested in promoting the purposes and objectives of this
30 act.
- 31 (cf: P.L.2000, c.175, s.6)
- 32
- 33 3. Section 8 of P.L.2000, s.175 (C.58:4B-8) is amended to read
34 as follows:
- 35 8. a. The Division of State Police in the Department of Law
36 and Public Safety, with respect to State boating laws, the Division
37 of Fish and Wildlife in the Department of Environmental
38 Protection, with respect to State fish and wildlife laws, and the
39 Department of Environmental Protection, with respect to
40 environmental violations, shall each prepare and submit a report, on
41 at least an annual basis, to the Lake Hopatcong Commission on the
42 number and type of law enforcement stops made, violations for
43 which citations, notices, or orders were issued, and crimes,
44 offenses, and violations committed during the prior year either on
45 Lake Hopatcong or in the immediate area of Lake Hopatcong as
46 defined by the commission.
- 47 b. The Department of Environmental Protection shall provide
48 to the commission notice of any permit application pending before

1 or received by the department or any division thereof for an activity
2 that may impact upon Lake Hopatcong or its watershed, and request
3 that the commission review and evaluate the permit application to
4 assess the potential impact of the activity proposed therein upon
5 Lake Hopatcong and its watershed and provide the commission's
6 recommendations for appropriate action thereon.

7 c. The Division of Fish and Wildlife shall consult with the
8 commission prior to engaging in any fish stocking or fishery
9 management activities affecting Lake Hopatcong.

10 d. Prior to the adoption or revision of the water level
11 management plan developed by the Department of Environmental
12 Protection pursuant to section 4 of P.L. , c. (C.) (pending
13 before the Legislature as this bill), the plan or revision thereto shall
14 be submitted to the commission for approval by an affirmative vote
15 of a majority of the full membership of the commission.

16 e. Any action by the Department of Environmental Protection,
17 or any division thereof, that will cause the water level of Lake
18 Hopatcong to fall below a level of 8.5 feet as measured on the Lake
19 Hopatcong lake gauge shall first be submitted to the commission for
20 approval by an affirmative vote of a majority of the full
21 membership of the commission.

22 (cf: P.L.2000, c.175, s.8)

23
24 4. (New section) Within 90 days after the effective date of
25 P.L. , c. (C.) (pending before the Legislature as this bill),
26 the Department of Environmental Protection shall develop a water
27 level management plan for the waters of Lake Hopatcong that
28 establishes the objectives and uses of the waters, including uses
29 within the Musconetcong River system, lake drawdowns, lakeshore
30 construction and gate manipulation guidelines. The adoption of the
31 water level management plan, or any revision thereto, shall not be
32 subject to the "Administrative Procedure Act," P.L.1968, c.410
33 (C.52:14B-1 et seq.), but shall comply with the requirements set
34 forth in section 8 of P.L.2000, c.175 (C.58:4B-8). As used in this
35 section, "Musconetcong River system" means the Musconetcong
36 River and Lake Mustconetcong.

37
38 5. This act shall take effect immediately.
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41 STATEMENT

42
43 The Lake Hopatcong Commission has been charged with, among
44 other things, managing and protecting the natural, scenic, and
45 recreational resources of Lake Hopatcong and its watershed. This
46 bill would grant the commission the authority necessary to carry out
47 its duties.

1 Specifically, the bill would remove the Commissioners of
2 Community Affairs and Environmental Protection as members of
3 the commission and would replace them with two additional
4 members of the public to be appointed by the Governor with the
5 advice and consent of the Senate. Each member of the public
6 would serve a term of two years until a successor is appointed and
7 qualified. The bill also expressly adds to the commission's duties
8 and responsibilities the coordination with the Department of
9 Environmental Protection (DEP) on any plan or program affecting
10 the water quantity of Lake Hopatcong. The bill also requires DEP
11 to provide the commission with notice of any permit application
12 pending before or received by any division of DEP for any activity
13 that may impact on Lake Hopatcong or its watershed.

14 Under the bill, the DEP is required to develop a water level
15 management plan to establish the objectives and uses of the waters
16 of Lake Hopatcong, including downstream uses within the
17 Musconetcong River system. The plan would also provide
18 guidelines on any drawdowns, lakeshore construction and gate
19 manipulation for the lake. Additionally, the plan must be submitted
20 for approval by an affirmative vote of the majority of the full
21 membership of the commission before the DEP may adopt or revise
22 the plan. Finally, the DEP is required to submit to the commission
23 any proposed action that would cause the water level of Lake
24 Hopatcong to fall below a level of 8.5 feet as measured on the Lake
25 gauge for approval by an affirmative vote of the majority of the full
26 membership of the commission.